

REMARKS

Claims 1-12 are pending prior to this amendment. The amendment cancels claims 1, 3, 8 and 12 and amends claims 2, 4-7, and 9-10. Claims have been amended to more particularly point out and distinctly claim an embodiment and do not introduce new matter. Reconsideration and allowance are requested.

References cited in Information Disclosure Statement filed September 8, 2004

Examiner asserts that references BA, BB, and BC submitted with the Information Disclosure Statement filed on September 8, 2004 have not been considered because Applicant has not provided copies of these references.

However, Applicant has submitted copies of these references with the Information Disclosure Statement filed on September 8, 2004. Applicant has enclosed a copy of the stamped postcard dated September 8, 2004 as verification of the filing of the Information Disclosure Statement and verification of the filing of each of the cited references. While not conceding the propriety of the objection and in order to advance the prosecution of the above-identified application, copies of the BA, BB, and BC references is submitted herewith. Therefore, consideration of these references is respectfully requested.

Commonality of Special Feature

On page 2 of the office action, the Examiner points out that "the claims possess the same or corresponding special technical feature." Following this same principle, applicants have amended claim 2 to focus on a common special technical feature, and have canceled claims 1 and 3 accordingly, as unneeded.

Rejections Predicated on 35 USC 112

Claim 12 was rejected on alleged enablement grounds (page 3-4 of the office action) because of the view (page 6) that "cancer therapy ...remains highly unpredictable." Applicants

agree that cancer therapy is difficult but point out that the discovery of a bifunctional molecule that both specifically binds to a limited set of nucleic acid sequences and offers an alkylation site via a vinyl linker, for those specific sequences, is a broadly useful tool for cancer and related work, which unambiguously is enabled for these two functions. Applicants have cancelled claim 12 in the interests of expediency but reserve their right to re-assert elsewhere, broad use claims for this new type of molecule.

Because claim 12 is canceled, the rejection against this claim is moot.

Claims 1-12 were rejected on enablement grounds. The most pertinent argument against enablement is on page 7 ("Applicant has not shown that every any hairpin known to man or will be discovered....can be made by the disclosed process.") This rejection is not relevant because applicant does not claim the disclosed process. In fact, the claims recite materials that can be made by processes yet undiscovered. Importantly, any of the described compounds with alkylation sites via a vinyl linker on the terminal of the described polyamide will in fact react to alkylate nucleic acid upon binding. The Examiner has not provided any scientific basis against this fact. Accordingly, the original claims, which recite unrestricted size k, p, q, m and n groups are enabled. Applicants further point out that the science of organic chemistry and biochemistry are sufficiently advanced such that a skilled artisan can predict with some accuracy, which kinds of very long k, p etc. groups would cause steric hindrance problems and could reasonably choose a suitable group with confidence. Furthermore, even a sub-optimal, sterically hindered compound would still exhibit some activity, as claimed.

Despite applicants' scientifically valid belief in enablement of claims 1-12, all claimed structures have been amended to recite "k, p, m and n represents a natural number from 1 to 10 respectively" to advance prosecution. The Examiner has agreed (page 4 of the office action) that the specification is "enabling for the hairpin polyamides of Formula [12] and Formula [3] when the k, p, q, m and n are defined as a natural numbers from 1 to 10." Accordingly, the claims have been so amended to comport with the examiner's statement of acceptable enabling scope. Reconsideration and removal of this rejection courteously are solicited.

Rejection under 35 USC 102

Claims stand rejected on anticipation grounds over Bando et al, which has a 10/18/2002 prior art date. In response, applicants submit herewith a certified translation of the priority document, which precedes this alleged prior art date. Reconsideration and removal of this rejection courteously are solicited.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SAE-0023 from which the undersigned is authorized to draw.

Dated: February 6, 2008

Respectfully submitted,

By 

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